

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
SINCLAIR EUGENE LICENSEE, LLC)	MB Docket No. 22- _____
)	RM - _____
Petition for Rulemaking to Amend the)	
DTV Table of Allotments for)	
Station KCBY-TV, Coos Bay, OR)	
(Facility ID No. 49750))	

PETITION FOR RULEMAKING

SINCLAIR EUGENE LICENSEE, LLC, licensee of television station KCBY-TV, Coos Bay, OR (Facility ID No. 49750) (“KCBY” or the “Station”), hereby requests that the Commission commence a rulemaking pursuant to Section 1.401 of the Commission’s rules¹ in order to amend the DTV Table of Allotments by allotting UHF Channel 34 to KCBY in lieu of VHF Channel 11 consistent with the technical parameters as set forth in the attached Engineering Statement.² As demonstrated herein, the proposed channel substitution for KCBY from VHF Channel 11 to UHF Channel 34 would allow KCBY to significantly improve its over-the-air service to the Station’s viewers in the Coos Bay, OR area, and would result in a substantial increase in signal receivability for KCBY’s core viewers.

The proposed channel substitution would serve the public interest because KCBY has had a long history of dealing with severe reception problems. The reception issues were exacerbated by the analog to digital conversion. This is not surprising as the Commission has long recognized that “VHF channels have certain characteristics that have posed challenges for

¹ 47 C.F.R. § 1.401.

² See Engineering Statement of John E. Hidle, P.E., In Support of a Petition to Amend the Digital Television Table of Allotments for KCBY-TV, Coos Bay, OR (“Engineering Statement”).

their use in providing digital television service,” including “propagation characteristics of these channels [that] allow undesired signals and noise to be receivable at relatively farther distances,” and the fact that “reception of VHF signals requires physically larger antennas that are generally not well suited to the mobile applications expected under flexible use, relative to UHF channels.”³ The Commission has also stated that studies have found “large variability in the performance (especially intrinsic gain) of indoor antennas available to consumers, with most antennas receiving fairly well at UHF and the substantial majority not so well to very poor at high-VHF.”⁴

These sound conclusions by the Commission have proven to be absolutely correct and are entirely consistent with the experience of KCBY operating on VHF Channel 11. Indeed, KCBY has received numerous complaints from viewers unable to receive the Station’s over-the-air signal, despite being able to receive signals from other local stations. Permitting KCBY to operate on UHF Channel 34 instead of VHF Channel 11 will alleviate the Station’s reception issues and will improve service to local viewers. Importantly, the proposal will result in more effective building penetration for indoor antenna reception and will also greatly improve the Station’s ability to provide ATSC 3.0 service to homes, vehicles and portable devices, to the ultimate benefit of the Station’s viewers and the public interest in the Coos Bay area.

The proposed migration of KCBY from Channel 11 to Channel 34 will be a favorable arrangement of allotments based on the enhanced signal levels that will be delivered to a large

³ *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, NPRM, 25 FCC Rcd 16498, 16511 ¶ 42 (2010).

⁴ *Id.* at 16512 ¶ 44. See also *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second R&O, 25 FCC Rcd 10732, 10750 ¶ 37 (2011) (“As a result of the full power digital television transition, some full power stations on VHF channels have experienced reception problems and such problems have not been alleviated even by allowing these stations to operate with the maximum power permitted under the full power television rules.”).

percentage of the population within the Station's "protected service area." As shown in the attached Engineering Statement prepared by John E. Hidle of Carl T. Jones Corporation, the proposed change to Channel 34 results in a predicted increase of *more than 11,000 persons* in the overall service area while retaining all but 392 existing predicted viewers of VHF Channel 11.⁵ The proposed channel change from Channel 11 to Channel 34 also would result in a substantial increase in signal receivability for KCBY's core viewers. Consequently, the proposed move to Channel 34 would serve the public interest by resolving current reception problems and giving more persons access to KCBY programming, while providing viewers with significantly improved ability to receive the Station.

KCBY's proposed move from Channel 11 to Channel 34 complies with all Commission rules, including the protection of all DTV stations, construction permits and allotments. Accordingly, the public interest would be best served by promptly granting the Station's request to move from Channel 11 to Channel 34 with the specifications set forth in the Engineering Statement, so that Coos Bay-area viewers may benefit from substantially improved over-the-air broadcast television service as soon as possible, consistent with §73.622(i) of the Commission's Rules.

⁵ The predicted service loss would affect a de minimis 392 persons. As the Bureau is aware, even where a proposed modification would result in some minimal service loss, the Commission will approve the proposed modification provided that it is "supported by a strong showing of countervailing public interest," such as offsetting service gains. See *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, NPRM, 22 FCC Rcd 9478, 9493 ¶ 38 & n.70.

Conclusion

For the foregoing reasons, the proposed amendment to the DTV Table of Allotments will clearly serve the public interest. Petitioner therefore respectfully requests that the DTV Table of Allotments be amended in accordance with the specifications set forth in the attached Engineering Statement.

Respectfully submitted,

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